




FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Wireless Telecommunications Bureau

FROM:  Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Charles D. Guskey v. FCC*, No. 07-1332. Filing of a Notice of Appeal in the United States Court of Appeals for the District of Columbia Circuit.

DATE: August 28, 2007

This is to advise you that, on August 20, 2007, Charles D. Guskey filed a Notice of Appeal in the U.S. Court of Appeals for the D.C. Circuit pursuant to 47 U.S.C. 402(b), of the following orders in WT Docket No. 02-55: (1) *Improving Public Safety Communications in the 800 MHz Band, Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels, etc., Memorandum Opinion and Order*, 20 FCC Rcd 16015 (2005), 70 Fed. Reg. 76704 (Dec. 28, 2005), as amended by *Erratum*, DA 05-3061, released November 25, 2005; (2) *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004), as amended by *Erratum*, 19 FCC Rcd 19651 (WTB PSCID 2004); *Erratum*, 19 FCC Rcd 21818 (WTB PSCID 2004); and *Erratum*, 70 Fed. Reg. 56583 (September 28, 2005); (3) *Supplemental Order and Order on Reconsideration*, 19 FCC Rcd 25120 (2004); and (4) *Second Memorandum Opinion and Order*, 22 FCC Rcd 10467 (2007).

Appellant challenges the above-referenced Commission's decisions restructuring the 800 MHz band to reduce radiofrequency interference to public safety systems. He claims that the decisions unfairly discriminate between similarly situated parties and grant unwarranted benefits to Nextel, a large 800 MHz licensee. He also claims that the decisions violate several appropriations statutes and that a Commission reconsideration order changed regulations without adequate notice.

The Court has docketed this case as No. 07-1332. The attorney assigned to handle the litigation of this case is Joel Marcus.